



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-2634-2019

Date of Decision : 09.02.2026

Ranjit Singh**....Petitioner****Versus****Union of India and others****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Arvinder Singh, Advocate for the petitioners.

Mr. Satish Saini, Senior Panel Counsel
for respondent No.1 – UOI.

Dr. Deepak Jindal, Advocate for respondents No.2 to 4.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 13.02.2018 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), by which, the claim of the petitioner that vide order dated 08.03.2016, for the promotion to the post of Junior Telecom Officer, he has not been given the benefit of relaxation for which the reserved category candidates were entitled for, has been rejected.

2. The learned counsel for the petitioner submits that the Rules which were applicable on the date when the vacancy became available are to be seen and not the Rules on the date when the consideration for promotion for the same took place keeping in view the fact that as per the judgment of the Hon'ble Supreme Court of India in *Y.V.Rangaiah and others vs. J.Sreenivasa Rao and others*, (1983) 3 SCC 284, the old vacancies are to be



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filled under the old Rules hence, the respondents were under an obligation to grant the benefit of relaxation to the petitioner so as to grant him benefit of promotion. The learned counsel further submits that the vacancies which arose qua said promotion were of the year 1996-1999 and though a screening test qua promotion to said post was held on 14.05.2000, the petitioner could not be promoted to said post as the relaxation of the minimum marks was not extended to him. Learned counsel further submits that when the said issue was raised before the authorities, same was wrongly rejected on 08.03.2016 and the Tribunal also failed to appreciate the said claim in the correct perspective which has led to the filing of the present petition.

3. The learned counsel for the petitioner submits that even if, the petitioner has not secured the cut off marks required/fixed for promotion to the post of Junior Telecom Officer, the benefit of relaxation qua cut off marks should have been given as there existed the power with the respondent to do same hence, the respondents be directed to grant the benefit of promotion to said post to the petitioner with retrospective effect along with all consequential benefits.

4. The learned counsel appearing on behalf of the respondent submits that the claim which has been raised by the petitioner is contrary to the settled principle of law. The learned counsel further submits that once while undertaking the suitability test, the cut off marks was fixed, which ceiling of cut off marks was not met by the petitioner, he could not have claimed the benefit of promotion to the post of Junior Telecom Officer merely because he belongs to reserved category so as to claim relaxation as the benefit of relaxation cannot be claimed as a matter of right.



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5. The learned counsel for the respondent submits that even otherwise, the clause with regard to the grant of relaxation had already been withdrawn at the time when the case for promotion was considered and the claim of relaxation is raised on the ground that on the date when the vacancy arose, there was a provision for relaxation by applying the formula of “old vacancies with old Rules”, which law settled by the Hon’ble Supreme Court of India in ***Y.V.Rangaiah’s case (supra)***, has already been declared as a bad law by the Hon’ble Supreme Court of India in **Civil Appeal No.9746 of 2011** titled as ***State of Himachal Pradesh vs. Raj Kumar and others***, decided on 20.05.2022.

6. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

7. Firstly, the claim which is being raised in the year 2016 is *qua* the vacancies which came into being starting from the year 1996 to 1999. Further, the claim raised was with regard to the screening test which was held in the year 2000.

8. It shall be noted that as per Section 21 of the Administrative Tribunal Act, 1985, a claim can only be raised within a period of one year the cause of action arose, whereas in the present case, the original application raising a claim was filed in the year 2016, which is much beyond the period of one year the cause of action arose.

9. Even otherwise, on merits also, the only claim raised is that the old vacancies which arose from the year 1996 to 1999 for promotion to the post of Junior Telecom Officer should be filled up as per the Rules which were prevalent in the said duration of time, i.e. 1996-1999 and not on the basis



of the Rules, which existed in the year 2000 when the screening test was held.

10. The law on the said issue has already been settled by the Hon'ble Supreme Court of India in **Raj Kumar's case (supra)**. The relevant paragraphs of the said judgment are as under:-

“36. A review of the fifteen cases that have distinguished Rangaiah would demonstrate that this Court has been consistently carving out exceptions to the broad proposition formulated in Rangaiah. The findings in these judgments, that have a direct bearing on the proposition formulated by Rangaiah are as under:

- 1. There is no rule of universal application that vacancies must be necessarily filled on the basis of the law which existed on the date when they arose, Rangaiah's case must be understood in the context of the rules involved therein.*
- 2. It is now a settled proposition of law that a candidate has a right to be considered in the light of the existed rules, which implies the "rule in force" as on the date consideration takes place. The right to be considered for promotion occurs on the date of consideration of the eligible candidates*
- 3. The Government is entitled to take a conscious policy decision not to fill up the vacancies arising prior to the amendment of the rules.*

The employee does not acquire any vested right to being considered for promotion in accordance with the repealed rules in view of the Deepak Agarwal v. State of U.P., (2011) 6 SCC 725, Para 26; Union of India v. Krishna Kumar, (2019) 4 SCC 319, Para 10. Deepak Agarwal v. State of U.P., (2011) 6 SCC 725, Para 26; Union of India v. Krishna Kumar, (2019) 4 SCC 319, Para 10.



Policy decision taken by the Government. 60 There is no obligation for the Government to make appointments as per the old rules in the event of restructuring of the cadre is intended for efficient working of the unit. 61 The only requirement is that the policy decisions of the Government must be fair and reasonable and must be justified on the touchstone of Article 14.

- 4. The principle in Rangaiah need not be applied merely because posts were created, as it is not obligatory for the appointing authority to fill up the posts immediately.*
- 5. When there is no statutory duty cast upon the State to consider appointments to vacancies that existed prior to the amendment, the State cannot be directed to consider the cases.*

37.1 The above-referred observations made in the fifteen decisions that have distinguished Rangaiah's case demonstrate that the wide principle enunciated therein is substantially watered-down. Almost all the decisions that distinguished Rangaiah hold that there is no rule of universal application to the effect that vacancies must necessarily be filled on the basis of law that K. Ramulu v. Suryaprakash Rao, (1997) 3 SCC 59, Paras 12 and 13, Shyam Chandra Das v. State of Orissa, (2003) 4 SCC 218, Para 9, State of Punjab v. Arun Kumar Aggarwal, (2007) 10 SCC 402, Para 38; Deepak Agarwal v. State of U.P., (2011) 6 SCC 725, Para 28. G. Venkateshwara Rao v. Union of India, (1999) 8 SCC 455, Para 4. Rajasthan Public Service Commission v. Charan Ram, (1998) 4 SCC 202, Para 15; K. Ramulu v. Suryaprakash Rao, (1997) 3 SCC 59, Para 15. In Delhi Judicial Services Association v. Delhi High Court, (2001) 5 SCC 145, Para 5. Deepak Agarwal v. State of U.P., (2011) 6 SCC 725, Para 25 existed on the date when they arose. This only implies



that decision in Rangaiah is confined to the facts of that case.

37.2 The decision in Deepak Agarwal (supra) is a complete departure from the principle in Rangaiah, in as much as the Court has held that a candidate has a right to be considered in the light of the existing rule. That is the rule in force on the date the consideration takes place. This enunciation is followed in many subsequent decisions including that of Union of India v. Krishna Kumar (supra). In fact, in Krishna Kumar Court held that there is only a "right to be considered for promotion in accordance with rules which prevail on the date on which consideration for promotion take place." 37.3 The consistent findings in these fifteen decisions that Rangaiah's case must be seen in the context of its own facts, coupled with the declarations therein that there is no rule of universal application to the effect that vacancies must necessarily be filled on the basis of rules which existed on the date which they arose, compels us to conclude that the decision in Rangaiah is impliedly overruled. However, as there is no declaration of law to this effect, it continues to be cited as a precedent and this Court has been distinguishing it on some ground or the other, as we have indicated hereinabove. For clarity and certainty, it is, therefore, necessary for us to hold;

- (a) The statement in Y.V. Rangaiah v. J. Sreenivasa Rao that, "the vacancies which occurred prior to the amended rules would be governed by the old rules and not by the amended rules", does not reflect the correct proposition of law governing services under the Union and the States under part XIV of the Constitution. It is hereby overruled.*
- (b) The rights and obligations of persons serving the Union and the States are to be sourced from the rules governing the services. Application of the principle to the facts of the present case:*



38.1 Returning to the facts of the present case, we have noticed that the High Court has proceeded on the premise that the vacancies occurring before the amendment of the Rules on 25.11.2006 must be governed by the 1966 Rules. The decision of the High Court took within its sweep even the 7 new posts of Labour Officers that were sanctioned by an inter-departmental letter dated 20.07.2006, which included even the 3 posts allocated for direct recruitment. The direction of the High Court to encompass even the 3 posts allocated for direct recruitment was on the ground that the posts were sanctioned on 20.07.2006, which is prior to the amendment of the Rules on 25.11.2006. 38.2 We have already held that there is no right for an employee outside the rules governing the services. We have also followed and applied the Constitution Bench decisions in *Union of India v. Tulsiram Patel* (supra) and more particularly the decision in *Roshan Lal Tandon v. Union of India* (supra) that the services under the State are in the nature of a status, a hallmark of which is the need of the State to unilaterally alter the rules to subserve the public interest. The 2006 rules, governing the services of the Respondents came into force immediately after they were notified. There is no provision in the said rules to enable the Respondents to be considered as per the 1966 Rules. The matter must end here. There is no other right that Respondents no. 1 to 3 can claim for such consideration.”

11. A bare perusal of the above would show that the Hon’ble Supreme Court of India has categorically held that the Rules which are applicable on the date of consideration are to be made applicable and not the Rules which were applicable on the date when the vacancy arose. Hence, the claim that the Rules which were available in the year 1996 should be made applicable even qua the screening test was held in the year 2000, is incorrect.

12. It is a conceded fact that no benefit of relaxation was available in



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favour of the reserved category candidates with regard to the minimum cut off marks in the year 2000 when the petitioner took the said screening test and failed to obtain the minimum cut off marks.

13. Further, even if it is assumed for the sake of argument that there existed a clause for grant of relaxation to reserved category candidate, the same is at the discretion of the employer nobody can claim relaxation as a matter of right. The judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.6868 of 2021** titled **State of Uttar Pradesh and others vs. Vikash Kumar Singh and others**, decided on 22.11.2021, can be made applicable wherein, it has been held that relaxation cannot be claimed as a matter of right. The relevant paragraph of the said judgment is as under:-

“7.1 The learned Single Judge thereafter while quashing and setting aside the eligibility lists dated 18.03.2019 and 10.05.2019 has issued the writ of mandamus commanding or directing the competent authority to grant relaxation in qualifying service, which as such was permissible under Rule 4 of the Relaxation Rules, 2006. The word used in the Rule 4 of Relaxation Rules, 2006 is “MAY”. Therefore, the relaxation may be at the discretion of the competent authority. The relaxation cannot be prayed as a matter of right. If a conscious decision is taken not to grant the relaxation, merely because Rule permits relaxation, no writ of mandamus can be issued directing the competent authority to grant relaxation in qualifying service. Therefore, the High Court has committed a grave error in issuing the writ of mandamus commanding the competent authority to grant relaxation in the qualifying service. Consequently, the High Court has also erred in quashing and setting aside the eligibility lists dated 18.03.2019 and 10.05.2019, which as such were prepared absolutely in consonance with the Rules, 1990 and



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Rules, 2006. The impugned judgments and orders passed by the learned Single Judge as well as the Division Bench of the High Court are not sustainable in law.”

14. Further, once the learned counsel for the petitioner has not been able to dispute that after participating in the screening test, the petitioner failed to obtain the minimum cut off marks fixed, he cannot be allowed to argue that the said minimum cut off qua marks should be further decrease so as to include him in the zone of consideration and treat him eligible.

15. Even otherwise, finding has been recorded by the Tribunal that the vacancies which have been filled up for the post of Junior Telecom Officer has been filled from the candidates who are higher in merit than the petitioner.

16. Keeping in view the above totality, the order dated 03.02.2018 (Annexure P-1) passed by the Tribunal cannot be treated as perverse either to the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

17. Accordingly, the writ petition is dismissed.

18. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 09, 2026

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No